

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: AB/147/14/TC

LOCATION: Land R/O 6 Bakers Arms Hill
Rear Boundary with 29 Maltravers Street
Arundel

PROPOSAL: Fell 1No. Bay tree causing damage to boundary wall within the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	The site itself is predominately flat. The level of adjacent site to the south is stepped down approximately 2 metres lower than the site whilst the adjacent property to the north is set approximately 1.5 metres higher.
TREES	Bay tree not significant to warrant a Tree Preservation Order.
BOUNDARY TREATMENT	The site is enclosed by a mixture of brick, flint and concrete walling and timber fencing with additional hedging in places. Boundary treatment is generally approximately 1.8 metres in height with the exception of the southern boundary which is marked by a dwarf wall.
SITE CHARACTERISTICS	The site consists of a walled garden area which is landscaped with ornamental trees and hedging. There is a timber shed positioned towards the western boundary. The site has been annexed from the original grounds of No. 6 Bakers Arms Hill and has no relationship to that property.
CHARACTER OF LOCALITY	The site is located within Arundel Town Centre which is a designated Conservation Area. The surrounding area is characterised by a dense arrangement of what are predominantly historical buildings of a variety of designs and scales. Walled gardens are a common feature to the rear of buildings.

RELEVANT SITE HISTORY

AB/9/14/TC Surgery to various trees within the Arundel No Objection

Conservation area

10-03-2014

AB/128/13/

Erection of studio and removal of existing shed. This application affects the character and appearance of the Arundel Conservation Area.

ApproveConditionally

14-03-2014

REPRESENTATIONS

Representations received:

Arundel Town Council

2 letters of objection. There's no need to remove the whole tree as side shoots and roots are causing damage which can be reduced instead of felling which would reduce overlooking. The applicant had agreed to cutting back only. More importantly the tree provides protection from the elements to the adjacent ancient box tree which is currently been considered by the Council for a TPO.

Comments on Representations received:

The Councils tree officer does not object to the removal of the bay tree. Overlooking as a result of loss of the tree is not a material consideration when determining tree applications. It is the contribution to visual amenity and integrity of trees that is relevant. Suitability for a TPO (ancient box tree) does not take account of whether or not the tree is kept.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree officer.

The bay tree highlighted in this application is of poor amenity value (because of its historic pruning), and is situated in a position, where it has begun to force a boundary wall out of its original position. As the wall is being effected by the basal area of this tree, remedial pruning of branches would have no effect on the conflict between the wall and the outlined tree. removal of sections of the basal mass of this tree is likely to invite pathogens, and also is likely to have negative structural impacts on any stem development. Also (as I do with every case of a tree in a conservation, that are without TPO orders) this tree was assessed for its TPO potential (using the arbitrary TEMPO form) and it did not progress into the 2nd half on the scoring form. For these reasons I would suggest the felling of this tree.

Conservation Area Advisory Committee

No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within built up area boundary

Conservation Area

Listed Building Grade II

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The tree is located to the side at end of the garden area and abuts the boundary wall with 29 Maltravers Street. In this location it cannot be seen from either Maltravers Street, Bakers Arms Hill or any other public vantage point. According to the Council's arboriculturalist the tree is not worthy of a tree preservation order and recommends that it be felled. It is, therefore, recommended that no objection be raised to the works.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 2 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.